

By E-mail / Speed Post

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/Misc./2016/RCC

Dated: 24th June, 2016

To,

Chief Electoral Officers of
All States/Union Territories

Sub:- Filing of election petition in connection with elections to House of People/Legislative Assemblies etc – impleading of election officials – regarding.

Sir,

I am directed to state that in connection with general election to Jharkhand Legislative Assembly, 2014 from 22-Barkagaon AC, it has been brought to the notice of the Commission that the concerned Returning Officer got himself impleaded as a respondent in an election petition.

2. In this connection, it is informed that the Hon'ble Supreme Court has held in the cases of Jyoti Basu Vs Debi Ghosal (AIR 1982 SC 983), Sundara Rama Reddy Vs Election Commission of India (1991 Suppl. (2) SCC 624) and Micheal Fernandes Vs. C.K. Jaffar Shariff & Others (C.A. No. 1318 of 2001) that in the case of election petitions only the candidates referred to in Section 82 of the R.P. Act,1951 can be joined as respondents, and that the Election Commission of India cannot be impleaded as a respondent in an election petition. By the same analogy, the election officials such as Returning Officers etc. also cannot be impleaded as respondents in election petitions. Therefore, the election officials should not on their own get themselves impleaded before the courts as respondents in any election petition.
3. All the election officials engaged in conduct of elections should be accordingly informed under intimation to the Commission.
4. The receipt of the letter may please be acknowledged.

Yours faithfully,


(ANUJ JAIPURIAR)
SECRETARY